

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------------|---|-----------|
| MAYA ROBINSON, an individual, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | Case No.: |
| TAMEKIA BURKS, an individual and |) | |
| UNITED STATES POSTAL SERVICE, |) | |
| |) | |
| Defendants. |) | |

COMPLAINT

Now comes the Plaintiff, Maya Robinson, by and through her undersigned counsel, and for her complaint against Defendants, TAMEKIA BURKS and the UNITED STATES POSTAL SERVICE, states as follows, based on information and belief:

JURISDICTION & VENUE

1. This action is brought pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671 et seq., 39 U.S.C. § 409, against the United States Postal Service, which vests exclusive subject matter jurisdiction of Federal Tort Claims litigation in the Federal District Court.

2. As to the claim asserted herein against the defendant Tamekia Burks the Federal District Court has supplemental jurisdiction pursuant to 28 U.S.C. §1367(a).

3. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. §§ 1391(b)(1) and/or 1391(b)(2), as well as 28 U.S.C. § 1391(e)(1), because the United States Postal Service is a defendant and defendant Tamekia Burks resides in the Northern District of Illinois.

PARTIES

4. Plaintiff Maya Robinson is a citizen of the United States and resides in Cook County, Illinois.

5. Defendant Tamekia Burks is a citizen of the United States and resides in Cook County, Illinois.

6. Defendant United States Postal Service is an independent agency of the executive branch of the United States government.

**STATUTORY BASIS OF LIABILITY AGAINST
THE UNITED STATES OF AMERICA**

7. This case is brought against the United States of America pursuant to 28 U.S.C. § 2671 et seq., commonly referred to as the “Federal Tort Claims Act”. Liability of the United States is predicated specifically on 28 U.S.C. §§ 1346(b)(1) and 2674 because the personal injuries, and resulting damages that form the basis of this complaint, were proximately caused by the negligence, wrongful acts and/or omissions of an employee of the United States of America through its agency, the United States Postal Service. The employee was acting within the course and scope of her office or employment, under circumstances where the United States of America, if a private person, would be liable to the Plaintiff in the same manner and to the same extent as a private individual under the laws of the State of Illinois.

8. Pursuant to 28 U.S.C. § 2675, this claim was presented to the appropriate agency of the United States of America, namely the United States Postal Service on April 7, 2021, for the claims of Plaintiff Maya Robinson. Said Defendant failed to respond and, thus, on October 7, 2021, the claims were deemed denied by operation of law.

FACTUAL ALLEGATIONS

9. On November 2, 2020 Antwon Radcliffe was lawfully operating his motor vehicle on southbound Michigan Avenue at the intersection of 42nd Street in the City of Chicago, Cook County, Illinois. Plaintiff Maya Robinson was a passenger in the vehicle being operated by Antwon Radcliffe.

10. On aforesaid date, Tamekia Burks was an agent and employee of the United States Postal Service and was acting within the scope of her agency and employment.

11. On aforesaid date, Defendant Tamekia Burks was operating a motor vehicle and travelling eastbound on 42nd Street at the intersection of Michigan Avenue in the City of Chicago, Cook County, Illinois when he disregarded a stop sign, entered the intersection, and collided with the vehicle being operated by Antwon Radcliffe.

12. As a direct and proximate result of said collision, Plaintiff was caused to suffer injuries, pain and suffering.

COUNT I – NEGLIGENCE
(Against Defendant, Tamekia Burks)

1-12. Plaintiff, re-alleges paragraphs 1-12 of this Complaint as paragraphs 1-12 of Count I as though fully set forth herein.

13. At all times referred to herein, Defendant owed Plaintiff a duty to exercise reasonable care in the operation of the motor vehicle operated by Defendant.

14. Notwithstanding said duty, Defendant committed one or more of the following careless and/or negligent acts and/or omissions:

- a. Carelessly and negligently failed to keep a proper lookout;
- b. Carelessly and negligently failed to reduce the speed of her vehicle to avoid an accident, in violation of the Illinois Motor Vehicle Code, 625 ILCS 5/11-601;

- c. Carelessly and negligently failed to obey a stop sign, in violation of Illinois Motor Vehicle Code, 625 ILCS 5/11-904;

15. As a direct and proximate result of one or more of the abovementioned careless and negligent acts and/or omissions, the vehicle operated by Defendant Tamekia Burks collided with the vehicle operated by Antwon Radcliffe, causing Plaintiff to suffer injuries of a personal and pecuniary nature, including but not limited to great pain and suffering.

WHEREFORE, the Plaintiff, Maya Robinson, prays that this Honorable Court enter a judgment in her favor against the Defendant, Tamekia Burks in excess of \$50,000.00 and grant such other relief as the Court deems just and equitable.

COUNT II – NEGLIGENCE
(Against Defendant, United States Postal Service)

1-12. Plaintiff, re-alleges paragraphs 1-12 of this Complaint as paragraphs 1-12 of Count II as though fully set forth herein.

13. At all times referred to herein, Defendant, through its duly authorized agents and employees, owed Plaintiff a duty to exercise reasonable care in the operation of the motor vehicle operated by Defendant, Tamekia Burks.

14. Notwithstanding said duty, Defendant, through its duly authorized agent and employee, committed one or more of the following careless and/or negligent acts and/or omissions:

- a. Carelessly and negligently failed to keep a proper lookout;
- b. Carelessly and negligently failed to reduce the speed of her vehicle to avoid an accident, in violation of the Illinois Motor Vehicle Code, 625 ILCS 5/11-601;

- c. Carelessly and negligently failed to obey a stop sign, in violation of Illinois Motor Vehicle Code, 625 ILCS 5/11-904;

15. As a direct and proximate result of one or more of the abovementioned careless and negligent acts and/or omissions, the vehicle operated by Defendant Tamekia Burks collided with the vehicle operated by Antwon Radcliff, causing Plaintiff to suffer injuries of a personal and pecuniary nature, including but not limited to great pain and suffering.

WHEREFORE, the Plaintiff, Maya Robinson, prays that this Honorable Court enter a judgment in her favor against the Defendant, United States Postal Service in excess of \$50,000.00 and grant such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff Maya Robinson hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

November 2, 2022

Respectfully submitted,

MAYA ROBINSON

*/s/Douglas Hopson, Esq.
One of Plaintiff's Attorneys*

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